

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Robert Patrick Butters,

Civil No. 15-2676 (DWF/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Steve Hammer,
Warden, MCF-Stillwater

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated September 29, 2015. (Doc. No. 6.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Franklin L. Noel's September 29, 2015 Report and Recommendation (Doc. No. [6]) is **ADOPTED**.
2. This action is **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 6, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge